

**IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
GENERAL DIVISION**

Stephanie Eichler,		Case No. 14CV-03422
Appellant,		Judge McIntosh
vs.		
Chase Bankcard Services, Inc., et al.,		
Appellees.		

**Decision and Judgment Entry Affirming Decision of Ohio
Unemployment Compensation Review Commission**

and

Notice of Final Appealable Order

McIntosh, J.

This case is a Revised Code 4141.282 administrative appeal, by Stephanie Eichler (Appellant), from a “Decision Disallowing Request for Review” that the Ohio Unemployment Compensation Review Commission issued on February 26, 2014. In that Decision, the Commission denied Appellant’s request for further review of a Hearing Officer’s Decision, in which the Hearing Officer disallowed Appellant’s application for unemployment compensation benefits. The record that the Commission has certified to the Court reflects the following facts and procedural history.

Facts and Procedural History

Appellant was employed as a Financial Services Advisor by Chase Bankcard Services, Inc. (Chase) in Ohio, from November 12, 2012 to August 15, 2013. *Transcript of Testimony, Dec. 5, 2013 (T.) 5.* Appellant’s position was non-union and she was paid an hourly wage. *T. 5.*

In January 2013, Appellant's husband died. *T. 5-6.* After several months, Appellant decided to relocate to California with her daughter's family, having determined that she could not continue to live in Ohio, by herself, and support herself financially. *T. 5-6.*

On August 6, 2013, Appellant submitted the following letter of resignation to Chase:

It is with great sorrow that I have to inform you that August 29th will be my last day working here.

Since my husband passed away in January I have been having a very hard time financially and emotionally. My daughter and family are moving back to California and I am moving with them.

I have enjoyed working here and everyone has been great. *T. 5.*

After Appellant submitted her letter of resignation, she continued to work at Chase. *T. 5-6.* On August 15, 2013, when Appellant reported to work, her supervisor advised Appellant that her services were no longer needed. *T. 5-6.* However, Chase continued to pay Appellant's salary through August 29, 2013, the effective date of her resignation. *T. 5.*

On August 16, 2013, the day after Appellant's last day worked at Chase, she applied to the Ohio Department of Job and Family Services (ODJFS) for unemployment compensation benefits, for a benefit year beginning August 11, 2013.

In an initial Determination issued on September 13, 2013, ODJFS allowed Appellant's application for benefits, having determined that she was discharged from her employment without just cause in connection with her work. Chase appealed the initial Determination.

In a Director's Redetermination issued on October 29, 2013, the Director of ODJFS affirmed the initial Determination and allowed Appellant's application for benefits. Chase appealed the Director's Redetermination.

On November 18, 2013, the Director transferred jurisdiction of the appeal from ODJFS to the Commission.

On December 5, 2013, a Hearing Officer conducted a telephone hearing on the appeal. *T. I-7.* Appellant, who represented herself, participated in the hearing and testified to the undisputed facts recited above. Mark Oliver, of Ernest & Young, participated in the hearing on behalf of Chase.

On January 31, 2014, the Hearing Officer issued a Decision in which he rendered the following findings of fact:

Claimant worked for Chase from November 12, 2012 to August 15, 2013. Claimant was an hourly employee.

Claimant had lost her husband in January, 2013, and her daughter and family had decided to move to California. The claimant made the decision to relocate to California. Her job with Chase was not in jeopardy.

The claimant told the employer that her last day of work would be August 29, 2013. Instead of requiring her to work out her notice, the employer made the claimant's last day of work August 15, 2013 and paid her the balance of her notice.

The Hearing Officer determined that Appellant quit her employment with Chase without just cause in connection with her work. The Hearing Officer provided the following reasoning for that determination:

If the claimant had not been paid the balance of her notice, the Agency decision would have been correct. However, since she was paid the balance of her notice, the proper issue is whether she quit with just cause.

Claimant made the choice to relocate to California because her daughter and family were relocating. The claimant could have remained and continued to work for Chase. Since the claimant quit her job to relocate she quit employment without just cause.

The Hearing Officer reversed the Director's Redetermination and disallowed Appellant's application for benefits.

On January 31, 2014, Appellant requested that the Commission review the Hearing Officer's Decision.

On February 26, 2014, the Commission issued a “Decision Disallowing Request for Review,” in which the Commission disallowed Appellant’s request for further review of the Hearing Officer’s Decision.

On March 27, 2014, Appellant appealed the Commission’s decision to this Court.

Standards of Appellate Review

Revised Code 4141.282(H), which governs this appeal, provides:

The court shall hear the appeal on the certified record provided by the commission. If the court finds that the decision of the commission was unlawful, unreasonable, or against the manifest weight of the evidence, it shall reverse, vacate, or modify the decision, or remand the matter to the commission. Otherwise, the court shall affirm the decision of the commission.

In *Loughman v. Ohio Dept. of Pub. Safety*, 10th Dist. No. 15AP-473, 2016-Ohio-1086, the Franklin County Court of Appeals recently reiterated the standards that this Court must employ in reviewing a decision of the Ohio Unemployment Compensation Review Commission:

*** A trial court and an appellate court employ the same, well-established standard of review in appeals involving the commission: “[A] reviewing court may reverse the board’s determination only if it is unlawful, unreasonable, or against the manifest weight of the evidence.” *Tzangas, Plakas & Mannos v. Admr., Ohio Bur. of Emp. Servs.*, 73 Ohio St. 3d 694, 697, 1995 Ohio 206, 653 N.E. 2d 1207 (1995); R.C. 4141.282(H). When a reviewing court (whether a trial or appellate court) applies this standard, it may not make factual findings or determine witness credibility. *Irvine v. State Unemp. Comp. Bd. of Rev.*, 19 Ohio St. 3d 15, 18, 19 Ohio B. 12, 482 N.E. 2d 587 (1985). Factual questions remain solely within the commission’s province. *Tzangas* at 696. Thus, a reviewing court may not reverse the commission’s decision simply because “reasonable minds might reach different conclusions.” *Irvine* at 18. *** In determining whether a commission’s decision is or is not supported by the manifest weight of the evidence, [a] court applies the civil manifest weight of the evidence standard set forth in *C.E. Morris Co. v. Foley Constr. Co.*, 54 Ohio St. 2d 279, 376 N.E. 2d 578 (1978), syllabus, which holds: “Judgments supported by some competent, credible evidence going to all the essential elements of the case will not be reversed by a reviewing court as being against the manifest weight of the evidence.” *Loughman*, 2016-Ohio-1086, ¶ 7.

Analysis

Appellant has argued, in support of this appeal, that the Commission’s “Decision Disallowing Request for Review” was unlawful, unreasonable, and against the manifest weight of the evidence. The Court does not find Appellant’s argument to be well taken.

Revised Code 4141.29(D)(2)(a) provides that an applicant is not eligible for unemployment compensation benefits if “[t]he individual quit work without just cause *** in connection with the individual’s work.” The term “just cause,” in this context, is defined as “that which, to an ordinarily intelligent person, is a justifiable reason for doing or not doing a particular act.” *Irvine*, 19 Ohio St. 3d at 17, quoting *Peyton v. Sun T.V. & Appliances*, 44 Ohio App. 2d 10, 12 (10th Dist. 1975). A significant factor in assessing whether an employee resigned with just cause is the employee’s fault in creating the situation that led to the resignation. *Loughman*, 2016-Ohio-1086, ¶ 8, citing *Stapleton v. Dir., Ohio Dept. of Job & Family Servs.*, 163 Ohio App. 3d 14, 2005-Ohio-4473 (7th Dist.).

Appellant voluntarily resigned her job with Chase in order to relocate to California with her daughter’s family. Appellant’s reasons for quitting her job were unrelated to her employment with Chase. Indeed, Appellant could have continued to work for Chase if she had chosen to do so, and Chase paid Appellant’s salary through August 29, 2013, the effective date of her resignation. Consequently, there is evidence in the record to support the Hearing Officer’s determination, as affirmed by the Commission, that Appellant quit her employment without just cause, thereby disqualifying her from receiving unemployment compensation benefits.

Appellant has asserted, and the Court acknowledges, that Ohio’s Unemployment Compensation Act is to be liberally construed in favor of awarding benefits to an applicant. *Goodrich v. Ohio Unemp. Comp. Rev. Comm.*, 10th Dist. No. 11AP-473, 2012-Ohio-467, ¶ 6,

discretionary appeal not allowed, 132 Ohio St. 3d 1531, 2012-Ohio-4381. However, the Act is intended to provide financial assistance to an individual who has worked, is able and willing to work, but is temporarily without employment through no fault or agreement of his own. *Id.* The Act does not exist to protect employees from themselves, but to protect them from economic forces over which they have no control. *Id.* When an employee is at fault, he is no longer the victim of circumstances but is instead directly responsible for his own predicament. *Id.* Fault on the employee's part separates the employee from the Act's intent and the Act's protection. *Id.*

In the instant case, Appellant was not the victim of economic forces over which she had no control. To the contrary, Appellant quit her job with Chase to move to California with her daughter's family, and not because of anything having to do with her employment at Chase. Chase paid Appellant her salary through the date upon which Appellant notified Chase that she was terminating her employment. Appellant suffered no economic consequences as a result of any action taken by Chase. Under these circumstances, therefore, Appellant is not an individual whom Ohio's Unemployment Compensation Act is intended to protect.

Conclusion

Having reviewed the record certified to the Court by the Ohio Unemployment Compensation Review Commission, the Court concludes that the Commission's February 26, 2014 "Decision Disallowing Request for Review" was not unlawful, unreasonable, or against the manifest weight of the evidence. The Decision is therefore **AFFIRMED**.

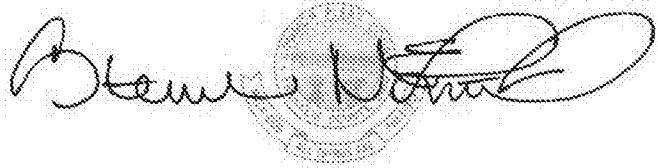
This is a final, appealable order. Costs to Appellant. Pursuant to Civ. R. 58, the Clerk of Courts shall serve notice of this judgment and its date of entry upon all parties.

Copies electronically transmitted to all counsel of record.

Franklin County Court of Common Pleas

Date: 06-01-2016
Case Title: STEPHANIE EICHLER -VS- CHASE BANKCARD SERVICES INC
ET AL
Case Number: 14CV003422
Type: DECISION/ENTRY

It Is So Ordered.



/s/ Judge Stephen L. McIntosh

Court Disposition

Case Number: 14CV003422

Case Style: STEPHANIE EICHLER -VS- CHASE BANKCARD
SERVICES INC ET AL

Case Terminated: 18 - Other Terminations

Final Appealable Order: Yes